

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 20-

**A RESOLUTION APPROVING TEMPORARY WAIVER OF CITY CODE PERMIT
AND ZONING REQUIREMENTS TO PROMOTE BUSINESS ACTIVITIES
DURING THE COVID-19 HEALTH PANDEMIC**

WHEREAS, on March 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-01 declaring a Peace Time Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19; and

WHEREAS, in response, on March 20, 2020 the West St. Paul City Council adopted the Local Emergency declaration and invoked the city emergency plan and authorized appropriate response strategies to the pandemic; and

WHEREAS, the West St. Paul City Council recognizes the continued risk and threat of community spread of the COVID-19 virus and the negative impact it has had on local business and further recognizes the potential negative impact that may continue upon reopening absent the ability of businesses to provide appropriate distancing between its patrons and its employees while operating profitably; and

WHEREAS, in furtherance of the federal, state and local government response, there is a need to provide multiple, additional, or alternative customer service areas on commercial sites within the city in order to limit forward-facing exchanges between customers and employees and to promote physical and social distancing between patrons of a business and persons engaged in business activities.

NOW, THEREFORE, be it resolved that the City Council of the City of West St. Paul does hereby authorize the following:

1. A business located in a commercial or industrial zone may establish drive-up or drive-through areas, customer ordering, waiting or pick-up areas, or customer seating or service areas on its property to facilitate safe commercial activity conducted consistent with federal and state orders or health and safety guidelines, in accordance with the administrative approval of the Community Development Department, which shall develop performance standards.
2. Other than an amendment to a liquor license, no zoning, conditional use, or any other West St. Paul permit shall be required provided the Community Development Department's performance standards are met.
3. Any business that desires to take advantage of such opportunity must complete an application form prepared by the Community Development Department.
4. The Community Development Director or designee shall have the authority to review and approve or deny a permit for any proposed temporary structure or operation

- related to customer service, waiting or dining seating areas, or on-site signage and storage, or other temporary outdoor use that is proposed to occur outside of the business establishment in accordance with the established performance standards.
5. Any on-sale liquor establishment shall be required to obtain City Council approval to amend its service area, which approval shall not be denied as long as it complies with the Community Development Department's performance standards.
 6. The authority granted to the Community Development Director hereunder shall not otherwise allow any use or operation that is not in compliance with any federal laws or regulations, Minnesota statutes and regulations, including State Building and Fire Codes, and the Minnesota liquor licensing regulations.
 7. The City reserves the right to revoke, terminate or modify permission of any drive-up or drive-through areas, customer ordering, waiting or pick-up areas, or customer seating or service areas if it is in the interest of the public health, safety and welfare, as determined by the Police Chief or City Manager.
 8. This Resolution is effective immediately, subject to federal and state laws or orders relative to the permissibility of business operations and unless terminated earlier by the Council, shall be in effect through November 1, 2020.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 26th day of May 2020.

Attest:

David J. Napier, Mayor

Shirley R Buecksler, City Clerk